

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

No. C 07-959 SI (pr)

Plaintiff,

**ORDER STAYING DISCOVERY AND
EXTENDING DEADLINES**

v.

Officer J. SAMPLE,

Defendant.

Defendant has filed a motion to stay discovery pending a decision on his motion for summary judgment in which he asserts entitlement to judgment as a matter of law on the defense of qualified immunity. The U.S. Supreme Court has made it abundantly clear that a district court should stay discovery until the threshold question of qualified immunity is settled. See Crawford-El v. Britton, 523 U.S. 574, 598 (1998); Anderson v. Creighton, 483 U.S. 635, 646 n.6 (1987); Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982). Accordingly, the court GRANTS defendant's motion to stay discovery. (Docket # 22.) All discovery is STAYED until defendant's motion for summary judgment raising the qualified immunity defense is decided by the court or the court orders otherwise.

Plaintiff might have been waiting for discovery responses to prepare his opposition to defendant's motion; the ruling in the preceding paragraph means that discovery responses will not be made at this time, so the court will extend the deadlines on defendant's motion for summary judgment. The court now sets the following new briefing schedule: Plaintiff must file

1 and serve on defense counsel his opposition to the motion no later than **December 28, 2007**.

2 Defendant must file and serve his reply brief, if any, no later than **January 11, 2008**.

3 IT IS SO ORDERED.

4 Dated: December 3, 2007



SUSAN ILLSTON
United States District Judge